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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Symantec Corporation

Application No./Patent No.: 09/991,127 Filed/Issue Date: 14 November 2001

Entitled: Method and Apparatus for Localized Protected Imaging of a File System

Symantec Corporation, a Delaware Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 019789, Frame 0976, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

Jonathan R. Lee Reg. No. 56,561

Printed or Typed Name

Attorney for Applicant  
Title

9/19/07  
Date

(801) 799-5917

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

### ASSIGNMENT OF PATENT RIGHTS

This Assignment of Patent Rights shall be effective as of 5 September 2007. Tonic Software, Inc., a corporation under the laws of the State of Delaware, having a place of business at 588 West 400 South, Lindon, Utah 84042 (referred to hereinafter as "Tonic"), is the owner of all right, title, and interest to the patent application listed on Schedule A, which is attached hereto and made a part hereof.

Symantec Corporation, a corporation under the laws of the State of Delaware (referred to hereinafter as "Symantec"), is desirous of acquiring all right, title, and interest in the patent application listed in Schedule A, as well as all corresponding foreign patent rights, if any.

In consideration of payment of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is acknowledged by the parties, Tonic hereby sells, assigns, and transfers to Symantec the entire right, title, and interest in the patent application listed in Schedule A, as well as all corresponding foreign patent rights, if any, and any other rights stemming from such U.S. and foreign patent rights. Tonic also assigns to Symantec all rights, if any, to pursue past infringement of such patent rights along with the right to recover damages for past infringement.

Tonic hereby authorizes and requests any concerned agency, office, or entity to record Symantec as the assignee of Tonic's entire right, title, and interest in and to such patent rights.

Signed on this 5 day of September, 2007

TONIC SOFTWARE, INC.

By: 

Arthur F. Courville

Title: Corporate Secretary

## SCHEDULE A

Country	Patent or Patent Application No.	Filing Date	Title
U.S.	09/991,127	11/14/2001	Method and System for Monitoring the Performance of a Distributed Application

PTO/SB/80 (04-05)

Approved for use through 11/30/2005 OMB 0851-0035  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint

☒ Practitioners associated with the Customer Number:

057600

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to

☒ The address associated with the Customer Number:

057600

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address:

Symantec Corporation  
26330 Stevens Creek Blvd  
Cupertino, CA 95014

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Meredith McKenzie</i>	Date	6/26/07
Name	Meredith McKenke	Telephone	408-517-1395
Title	Director, IP		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer: U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 3378427, 1.DOC